APPENDIX B: COMMENT LETTERS RECEIVED AFTER 8/3/12 CLOSING DATE

The following comments are from City of Corona – Comment Letter #13

City of Corona
Department of Water and Power
"Protecting Public Health"

755 Corporation Yard Way
Corona, CA 92880 – www.discovercorona.com

Office: 951.736.2234
Fax: 951.735.3786

August 6, 2012

Mr. Don Hopps
Air Quality Specialist
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Subject: ***REQUEST FOR BIOFILTERS AND CARBON FILTERS EXEMPTION IN SCAQMD RULE 219***

Dear Mr. Hopps:

Thank you for the opportunity to comment on the proposed SCAQMD Amendment Rule 219. The public workshop on Amendments to Rules 219 and 222 held on July 19, 2012 was both useful and informative. The City of Corona appreciates that your group was willing to have a follow-up meeting with us on July 25, 2012.

As was discussed at the meeting of July 25, 2012, the City of Corona would like SCAQMD to include waste water collection systems odor control devices (**Biofilters and Carbon filters**) in Rule 219 for the removal and neutralization of Hydrogen Sulfide (**H_2S**). This is a simple and effective odor control method which would use an electric motor to move malodorous H_2S gas through the filters.

13-1

The language for the addition to Rule 219 d (10) could read as follows:
"waste water collection systems odor control devices which are not covered by any other rule to remove undesirable H_2S odor from sewer pump stations, and sewer lines ..."

13-2

Or

Add Rule 219 d (13):
"Waste water collection systems odor control devices (Biofilters and Carbon filters) fitted with a...HP fan to remove undesirable malodorous H_2S gas from sewer pump stations, and sewer lines."

13-3

The City of Corona feels that our request above is reasonable and a great tool to eliminate bad Hydrogen Sulfide (H_2S) odor which emanate from the sewer systems during low flow periods and is vented to the atmosphere.

The City of Corona appreciates SCAQMD's cooperation in working with us to stay proactive in keeping our neighborhood malodorous free.

Please don't hesitate to contact me if you wish to discuss this matter further. I can be reached at (951) 817-5836 or by e-mail at Adoga.Kiharangwa@ci.corona.ca.us.

13-4

Sincerely,

Adoga Kiharangwa
Regulatory Compliance Supervisor

Response to Comment #13-1

Staff has conferred with AQMD permitting staff in regard to voluntary H_2S odor control systems after meeting with stakeholders on several different occasions. AQMD permitting staff do not support any changes to paragraph (d)(10) in Rule 219 because of a lack of examples and information, specifically emissions data, regarding "other control devices" and the sizes needed or intended for use. Active order control systems can result in unintended consequences by potentially transitioning an area source into a point source.

Response to Comment #13-2

Staff appreciates the effort of the commenter to provide potential rule language for consideration; however, based on feedback from AQMD permitting staff, staff revised the rule language for Rule 219 paragraph (d)(10) as follows: "*Passive carbon adsorbers, with a maximum vessel capacity of no more than 120 gallons, without mechanical ventilation used exclusively for odor control ~~from~~ at wastewater treatment plants or sewer collection systems, including sanitary sewers, manholes and pump stations*." Staff believes the revised language will address the passive odor control systems for water treatment plants and sewers, manholes, and pump stations.

Response to Comment #13-3

See comment #13-1 for staff's response to this comment.

Response to Comment #13-4

Staff continues to work with the wastewater treatment facilities in regard to H_2S odor control systems however, the odor controlling equipment must be designed and source tested to show it will perform as expected and properly control the H_2S odors, as well as VOC emissions before AQMD permitting staff will consider the equipment as a viable odor control system. These systems are control devices and pursuant to Rule 203 subdivision (a) they will continue to require permits to operate. Rule 203 subdivision (a) states "*A person shall not operate or use any equipment or agricultural permit unit, the use of which may cause the issuance of air contaminants, or the use of which may reduce or control the issuance of air contaminants, without first obtaining*

a written permit to operate from the Executive Officer or except as provided in Rule 202." Rule 203 clearly mandates that emission control equipment requires written permit.

The following comments are from Yorke Engineering, LLC – Comment Letter #14

From: jadams yorkeengr.com
Sent: Wednesday, August 08, 2012 4:23 PM
To: Don B Hopps
Cc: jyorke yorkeengr.com
Subject: RE: SCAQMD PAR 219 & 222

Don,

Good afternoon. Paragraph (s)(1) of Rule 219 requires written permits for "equipment, process materials or air contaminants" subject to Regulation IX (NSPS), Regulation X (NESHAP), or state ATCM or Part 63 NESHAPs. Three recently adopted/amended federal rules, 40 CFR 60 Subparts IIII and JJJJ and 40 CFR 63 Subpart ZZZZ regulate engines that could otherwise be exempt from written permit per paragraph (b)(1) of Rule 219. We would like to request that subdivision (s) be modified as follows:

(s) Exceptions
Notwithstanding equipment identified in (a) through (r) of this rule, except for engines that would otherwise be exempt from written permit pursuant to paragraph (b)(1) of this rule, written permits are required pursuant to paragraphs (s)(1) and (s)(2) and filings under Rule 222 pursuant to paragraph (s)(3):
(1) Equipment, process materials or air contaminants subject to:
(A) Regulation IX – Standards of Performance for New Stationary Sources (NSPS); or
(B) Regulation X – National Emission Standards for Hazardous Air Pollutants (NESHAP - Part 61, Chapter I, Title 40 of the Code of Federal Regulations); or
(C) Emission limitation requirements of either the state Air Toxic Control Measure (ATCM) or NESHAP - Part 63, Title 40 of the Code of Federal Regulations; or ...

14-1

Thank you for your time.

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31726 Rancho Viejo Road, Suite 218
San Juan Capistrano, CA 92675
Phone: (949) 248-8490
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Response to Comment #14-1

Thank you for your comment. Staff's opinion is that the current language in Rule 219 (s) captures the requirement to permit engines consistent with NSPS and NESHAP requirements and a further exemption for engines is inappropriate.

The following comments are from SCEC – Comment Letter #15

From: Bill Winchester
To: dhopps@aqmd.gov
Cc: mbalagopalan@aqmd.gov
Subject: Additional Comment on PAR219
Date: Tuesday, August 14, 2012 10:06:00 AM
Importance: High

Mr. Hopps:

It is apparent that SCAQMD plans to change the language in Rule 219(i)(9) to base the exemption on VOC solvent use within the equipment, instead of the facility. SCEC agrees that this is appropriate. This exemption appears to be applicable to coating devices used to coat vitamins – i.e. tablets. SCEC would like to request that this language be revised to allow any tablet coating device to be eligible, assuming it meets the VOC solvent limits. 15-1

Currently, the language allows for vitamin manufacturers to get an exemption for equipment used for coating of their tablets; however, the pharmaceutical manufacturing industry also uses these types of coating devices. In fact, aside from the content of the tablet itself, there really doesn't seem to be a difference between the processes for coating vitamins, versus coating any other type of pharmaceutical tablet. While certain devices use VOC solvents in the coating solution, and may not be eligible, those devices using aqueous (water-only) solutions should be eligible for exemption. 15-2

This was probably already considered during the process to write in an exemption for vitamin coating equipment, but when you consider that only full tablets are being put into these devices, potential PM10 emissions would be insignificant. Assuming that only aqueous coating operations occur, there aren't any VOC emissions. Therefore, it is appropriate to include pharmaceutical tablet coating, or tablet coating operations in general, in the listed exemption. It is understood that the VOC solvent limit would still apply on an equipment unit basis, so those devices which utilize VOC solvent coating solutions would likely still be captured by the permitting program.

It is critical that this be evaluated, as currently there is a disparity in the permitting criteria for equipment/processes which may be functionally identical but used within different industries, as explained above. 15-3

Please contact me if you have any other questions or concerns.

Regards,

Bill Winchester
Project Manager

SCEC
1582-1 N. Batavia St.
Orange, CA 92867

Desk: (714)282-8240 x30

Response to Comment #15-1

Staff has revised the rule language in Proposed Amended Rule 219 in paragraph (i)(9) and (i)(10) based on the equipment if using waterborne solutions that contain a maximum VOC content of no more than 25 grams per liter. If a facility is not using waterborne solutions that contain a maximum VOC content of no more than 25 grams per liter, a facility will have to limit the use of their product to less than one gallon per day or twenty-two (22) gallons per month of VOC containing solvents. Staff notes that the commenter addresses paragraph (i)(9)

which exempts coating vitamins and not tablets. However, paragraph (i)(10) does address coating pharmaceutical tablets.

Response to Comment #15-2
Staff agrees that waterborne solutions devoid of solvents should also be exempted and has incorporated revisions to address paragraphs (i)(9) and (i)(10).

Response to Comment #15-3
Paragraph (i)(1) in Rule 219 addresses an exemption for pharmaceutical coating exemptions. Pharmaceutical coating operations are currently allowed up to one gallon per day or twenty-two gallons per month of coatings for the tablets to meet the exemption.

The following comments are from Los Angeles County Sanitation Districts – Comment Letter #16

COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON CHAN
Chief Engineer and General Manager

August 13, 2012
File No.: 31B-380.10B

Mr. Don Hopps
Planning, Rule Development and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Dear Mr. Hopps:

Comments on Proposed Amended Rule 219

The County Sanitation Districts of Los Angeles County (Sanitation Districts) appreciate this opportunity to comment on Proposed Amended Rule 219. The Sanitation Districts function on a regional scale and consist of 23 independent special districts serving about 5.4 million people in Los Angeles County. The service area covers approximately 815 square miles and encompasses 78 cities and unincorporated territory within the county. The Sanitation Districts protect public health and the environment through innovative and cost-effective wastewater and solid waste management, and in doing so convert waste into resources such as recycled water, energy and recycled materials.

For many years we have operated odor scrubbers to manage potential odors and ephemeral odors from sewer collection systems and wastewater treatment plants. Permits for these devices have historically contained conditions limiting the outlet concentration of hydrogen sulfide since this is the dominant odorant. In recent years however, new odor control devices have also been required to control volatile organic compounds (VOCs). These VOC control requirements have proven to be very burdensome for operating staff to execute. Because of these additional VOC control requirements, the Sanitation Districts chose to remove several voluntary control devices from service in 2008, less than a year after their startup. More recently, our operations staff decided not to replace an existing odor control scrubber at a pumping plant because of anticipated VOC control requirements that would have significantly increased maintenance demands. As a result, this pumping plant will operate without an odor scrubber since none is required.

16-1

The Southern California Alliance of Publicly Owned Treatment Works expressed similar concerns about VOC control requirements for odor scrubbers in a June 20, 2008 letter to SCAQMD (see attachment). In response, SCAQMD staff suggested that an amendment of Rule

16-2

DM # 2314058v8

Mr. Don Hopps August 13, 2012

219 might be an appropriate means to resolve our concern. With the amendment of Rule 219 pending, we respectfully request provisions be included to provide greater operational flexibility for odor control devices installed for sewer collection systems and wastewater treatment plants. 16-2 Cont'd

As mentioned at the Rule 219 and 222 Public Workshop held on July 19, 2012 and at a follow-up meeting on July 25, 2012, we respectfully request that Rule 219 be amended to include voluntary odor control devices. Specifically, we request the following amendments: 16-3

(d)(10) Passive carbon adsorbers without ~~using no~~ mechanical ventilation ~~with a volume of 55 gallons or less,~~ used exclusively for ~~foul air~~ odor control ~~from~~ at wastewater treatment plants or ~~sanitary~~ sewer collection systems, including ~~such as~~ sanitary sewers ~~lines~~, manholes and pump stations.

(d)(13) Active odor control devices such as activated carbon vessels, biotrickling filters and biofilters with mechanical ventilation used exclusively for odor control at wastewater treatment plants or sewer collection systems, including sanitary sewers, manholes and pump stations, provided that the VOC emissions from the equipment do not exceed three pounds per day. 16-4

Thank you for the opportunity to comment on Proposed Amended Rule 219. Please do not hesitate to contact Ed Stewart at (562) 908-4288, extension 2147, should you have any questions regarding this transmittal.

Very truly yours,

Grace Robinson Chan

David L. Rothbart
Supervising Engineer
Air Quality Engineering
Technical Services Department

DLR:WES:bb

Attachment

Response to Comment #16-1

Staff has met with Los Angeles County Sanitation District (LACSD) staff on several occasions and was briefed on the voluntary H_2S odor control systems. It was pointed out at these discussions that LACSD removed the H_2S odor control systems from service allowing for no H_2S odor control due to permitting requirements. LACSD explained that the voluntary H_2S odor control systems were installed as a courtesy for surrounding neighborhoods. AQMD permitting staff stresses that a H_2S odor control system equipped with activated carbon that is not constantly maintained can result in a spent activated carbon and potential significant release of VOC emissions. In addition, through fermentation processes with direct sunlight, any spent activated carbon H_2S control system can actually emit more emissions than if the system was never installed. Another point of

concern is that currently permitted H_2S odor control systems do not have the capacity to reduce VOC emissions in a continuous manner.

Response to Comment #16-2
The driving force behind Rule 219 is to identify equipment, processes, or operations that emit a small amount of air contaminant. A particular piece of equipment, process, or operation that cannot meet the criteria in Rule 219 would be required to be permitted. Before the H_2S odor control system can meet an exemption in Rule 219 it will have to be first source tested to verify that it meets the requirements as a small emission source.

Response to Comment #16-3
Staff agrees and has revised the rule language for Rule 219 paragraph (d)(10) as follows: "*Passive carbon adsorbers, with a maximum vessel capacity of no more than 120 gallons, without mechanical ventilation used exclusively for odor control at wastewater treatment plants or sewer collection systems, including sanitary sewers, manholes and pump stations*."

Response to Comment #16-4
Rule development and permitting staff have discussed active H_2S odor control systems, which use mechanical means to move the airstream through the odor control system. AQMD permitting staff maintains that they cannot support an active H_2S odor control system to be exempt from permitting due to the potential VOC emissions.

The following comments are from Oxbow Carbon LLC – Comment Letter #17

OXBOW CARBON & MINERALS LLC

SENT VIA ELECTRIC MAIL: NBerry@aqmd.gov and DHopps@aqmd.gov

August 17, 2012

Mr. Naveen Berry
Planning and Rules Manager
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Oxbow Carbon & Minerals LLC's Comments to Rule 219

The South Coast Air Quality Management District ("SCAQMD" or "District") is currently considering the amendment of Rule 219[i] (and Rule 222) to simplify and streamline the permitting process.[ii] Oxbow Carbon, LLC ("Oxbow") strongly supports SCAQMD's efforts and provides here comments on how to further strengthen Rule 219 by:

1. Clarifying that EPA-defined "trivial activities" are exempt under Rule 219; and,
2. Expanding and strengthening the exemption at Rule 219(c)(3) to cover functionally-equivalent replacements of permitted equipment where no emission increase would occur.

Both SCAQMD's proposed amendments and the additional rule changes proposed by Oxbow in these comments would make the permitting process more efficient, resulting in cost and human resources savings for both the District and industry. The proposed amendments would also allow both the District and industry to focus on compliance and other major environmental tasks. Lastly, the proposed amendments would serve to harmonize Rule 219 with EPA requirements.

Oxbow would like to discuss its comments with the District and respectively requests an in-person meeting for this purpose.

17-1

Rule 219 Should Make Clear that EPA-Defined "Trivial Activities" are Exempt from Permitting

EPA has determined, and the SCAQMD has recognized, that certain activities are so "trivial" that their emissions impact is negligible and need not be considered when determining actual emissions or potential to emit.[iii] Despite SCAQMD's recognition of the negligible impacts of EPA-defined trivial activities, Rule 219 does not explicitly list trivial activities as being exempt

17-2

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from permitting. In fact, minor inconsistencies in the language of Rule 219 and EPA's trivial activities list creates confusion as to whether certain "trivial activities" are in fact exempt from permitting under Rule 219.

For example, trivial activities are defined by EPA to include:

- *Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.*
- *Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.*

However, Rule 219(c)(6) could be read to be more limited and exclude sampling equipment from the exemption (despite the fact that sampling equipment is explicitly included under the "trivial activities" definition):

> *Laboratory testing and quality control testing equipment used exclusively for chemical and physical analysis, non-production bench scale research equipment, and control equipment exclusively venting such equipment.*

Rule 219(c)(6) should be harmonized to be as expansive as the definition of "trivial activities" and specifically include "equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw and replace materials for analysis."

More broadly, Rule 219 should explicitly make clear that EPA-defined and SCAQMD-recognized trivial activities are exempt from permitting.

17-2 Cont'd

Rule 219 Should Exempt from Permitting Functionally-equivalent Replacements of Permitted Equipment If No Emissions Increase Would Occur

Rule 219(c)(3) currently provides an exemption from permitting requirements for "[i]dentical replacement in whole or in part of any equipment where a permit to operate had previously been granted for such equipment under Rule 203…" The term "identical" in this exemption should be substituted with "functionally-equivalent." Such a substitution would be in line with the intention of the rule—to make the permitting process less cumbersome and resource-intensive for both the District and a permittee that seeks to undertake a minor change to permitted equipment that is of no practical concern to either party given the negligible impacts of the modification.

The current use of "identical" in the exemption results in many inconsequential projects being subjected to the permitting project despite neither the permittee, the District nor the public having any interest in clearly inconsequential projects undergoing a formal permitting process.

17-3

Oxbow recommends the substitution of "identical" with "functionally-equivalent" to resolve this problem.

To eliminate any concern that a Rule 219 exemption for "functionally-equivalent" replacements would result in unpermitted emission increases, the Rule 219(c)(3) exemption language could be further adjusted to state that it applies to "functionally-equivalent replacement in whole or in part of any equipment where a permit to operate had previously been granted for such equipment under Rule 203 and where no emission increase would result…" As an additional safeguard, the District might require that any entity undertaking a replacement under the "functionally-equivalent" permitting exemption make an "information-only" submittal under the SCAQMD Rule 222 filing program. Such a requirement would in fact make the Rule 219(c)(3) exemption more stringent by requiring entities undertaking replacements to notify the District, making the District aware of such replacements and providing it an opportunity to raise a red flag if it believes that an entity is misinterpreting the exemption. In turn, this would make industry more confident that it is on the same page as the District as to the proper interpretation of the exemption. The greatest benefit of the suggested changes to Rule 219(c)(3), though, would be that both the District and permittees would be spared the time and expense of undergoing resource-intensive permitting if doing so would have no practical benefit for air pollution reduction.

17-3 Cont'd

[i] SCAQMD Rule 219 exempts certain equipment emitting small amounts of air contaminants from SCAQMD permitting requirements. The rule has been amended on several occasions to clarify language, add exemptions, and modify emissions limits to achieve consistency with other SCAQMD rules and regulations.

[ii] *See* SCAQMD Preliminary Draft Staff Report on Proposed Amended Rule 219 –Equipment Not Requiring A Written Permit Pursuant To Regulation II and Proposed Amended Rule 222 – Filing Requirements (July 2012).

[iii] *See* SCAQMD, Draft Technical Guidance Document for the Title V Permit Program at 103 (March 2005). See also EPA "White Paper for Streamlined Development of Part 70 Permit Applications" (July 10, 1995), Appendix A.

Oxbow appreciates the opportunity to submit these comments and respectively requests an opportunity for an in-person meeting. I can be reached by telephone at (561) 640-8711 or by e-mail, Trish.Diehl@oxbow.com.

Sincerely,

Patricia Diehl
Vice President, Environmental and
Regulatory Matters

cc:
Mr. Don B. Hopps, Air Quality Specialist, SCAQMD
Weinan Chen, Ph.D., Manager, Environmental and Regulatory Matters, Oxbow

OXBOW CARBON & MINERALS LLC

Response to Comment #17-1
Staff appreciates the comment letter from Oxbow Carbon, LLC in support of the amendments to both Proposed Amended Rule 219 and Proposed Amended Rule 222.

Response to Comment #17-2
Rule 219 provides an exemption from a written permit for certain equipment, operations and processes but does not include a paragraph for "trivial activities." However, all the exemptions are subject to review by the Executive Officer and in cases where the Executive Officer determines that a particular type of equipment, operation or process cannot operate at a low emission level, it may be determined that the equipment, operation or process requires a written permit. Therefore, staff will retain the current rule language and not include a "trivial activities" section.

Response to Comment #17-3
Staff has concerns with the rule language proposed by the commenter. This most pressing concern is how broadly could a "functional-equivalent" replacement be taken? For example, if a natural gas fired turbine driven generator is replaced with a diesel fired internal combustion engine driven generator that is "functionally-equivalent" that replacement component, although "functionally-equivalent", would bring about concerns for permitting, not to mention toxics and other emission criteria. A "functional-equivalent" replacement could also be an individual component, such as an exhaust system with selected catalytic reduction that would be included in the written permit but may be replaced with a "functional-equivalent" exhaust system that does not have selected catalytic reduction. Staff disagrees with the commenter's proposed language for Rule 219 paragraph (c)(3).